

Remarks

The Office Action of October 18, 2004 has been carefully considered. Applicants are grateful for the withdrawal of the Examiner's double patenting rejection of claims 14-28 and 38-40 as being obvious over Stuckey et al., US Pat. No. 6,344,268 and under 35 USC §103(a) as being unpatentable over Stuckey et al., in view of Jambois, US Pat. No. 6,197,412, because of Applicants' submission of a Terminal Disclaimer and Applicants' arguments presented in their last response. Claims 14-28 and 38-43 remain in this application for further prosecution on the merits.

On page 2 and 3 of the present Action, the Examiner has again rejected claims 14-28 and claims 38-43 provisionally under the judicially created doctrine of obviousness-type double patenting over claims 1-8, 12, 20-23 and 25-27 of co-pending U.S. Application Serial No. 10/441,530. Although the conflicting claims are not identical, the Examiner believes that they are not patentably distinct since both applications recite a polymer composite building material comprising: a composite reinforcement comprising filaments of fiber substantially oriented in at least a first direction substantially continuously along the entire length of said building material, and disposed within a thermoplastic matrix; and a capstock polymeric material disposed substantially over and in direct contact with said composite reinforcement; said building material being resistant to corrosion.

Accordingly, Applicants submit the enclosed Terminal Disclaimer which is believed to obviate the double patenting rejection based upon the stated claims of U.S. Application Serial No. 10/441,530, which is commonly assigned with the present application.

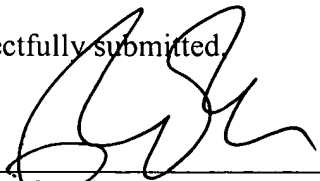
US Appl. Ser. No. 09/988,985
Response to Office Action of 10/18/2004

Attorney Docket: D0932-00178

In view of the above, reconsideration of the pending claims and early Notice of Allowance is earnestly solicited.

Dated: Dec 21, 2004

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter J. Cronk', is written over a horizontal line.

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